

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

SUN VALLEY FARMS, LLC,  
  
Petitioner-Appellant,  
  
v.  
  
WESTERN VEG PRODUCE, INC.,  
  
Respondent-Appellee

CASE NO. 1:20-CV-1665 AWI JLT

ORDER ON RESPONDENT'S  
OBJECTION TO PETITIONER'S  
DEMAND FOR A JURY TRIAL

Pursuant to a Court order, the parties filed a joint pre-trial statement on October 31, 2022. See Doc. No. 41. Section II of the joint pre-trial statement is entitled "Jury Trial." See id. Under this section, Petitioner Sun Valley Farms, LLC ("Sun Valley") states that it "has invoked its right to a jury trial under the Seventh Amendment to the United States Constitution as to all triable issues." Id. Respondent Western Veg Produce, Inc. ("Western Veg") states that it "seeks a bench trial and asserts that [Sun Valley] waived [a] jury trial because it failed to comply with Local Rule 201 by making the demand immediately following the title of the petition." Id.

In relevant part, Local Rule 201 reads: "Where demand is made for a jury trial, it shall appear immediately following the title of the complaint . . . ." E.D. Local Rule 201.

Sun Valley filed its Petition for Review on November 20, 2020. See Doc. No. 1. The petition is two pages, excluding a one page proof of service and an exhibit (the USDA PACA decision). See id. The first page of the Petition consists of two paragraphs and ten total lines. See id. The second page of the Petition consists of three lines and a separate signature line. See id. The first two lines of page two prays for judgment and particular damages. See id. The third line of the second page reads: "**RESPONDENT** [sic] **REQUESTS A TRIAL BY JURY ON ALL ISSUES SO TRIABLE.**" Id. (capitalization and bold in original). A jury trial is not referenced at any other place in the Petition, including immediately under the title of the Petition.

1 Additionally, in the joint scheduling report of July 2021, it is noted Sun Valley “has  
2 requested a jury trial.” See Doc. No. 18 at 4:24-25. The Magistrate Judge’s resulting Scheduling  
3 Order set a jury trial for January 10, 2023. See Doc. No. 19 at 1:24-26. The Scheduling Order  
4 expressly stated: “This is a jury trial.” Id. at 6:1.

5 It is true that the Petition does not comply with the letter of Local Rule 201. However, as  
6 described above, the Petition is very small and the demand for a jury trial is obvious and clear.  
7 Western Veg has known from the inception of this case that Sun Valley was expressly demanding  
8 a jury trial. Moreover, there has been a court order on the docket for nearly a year and a half that  
9 expressly and clearly stated that this matter would be a jury trial. There is no indication that  
10 Western Veg objected during the scheduling proceedings about Sun Valley’s demand for a jury  
11 trial, and, more importantly, Western Veg did not object to any aspect of the scheduling order –  
12 including that order’s designation of this matter as a jury trial. Not only does the Court detect no  
13 harm to Western Veg for Sun Valley’s technical violation of the Local Rules, but the Court also  
14 detects no reason why Western Veg could not have objected to the violation of Local Rule 201  
15 sooner than nine days before the pre-trial conference. Therefore, the Court finds that the violation  
16 of Local Rule 201 by Sun Valley was harmless and that Western Veg’s objection is untimely;  
17 Western Veg’s objection will be overruled.

18  
19 **ORDER**

20 Accordingly, IT IS HEREBY ORDERED that:

- 21 1. Western Veg’s objection to Sun Valley’s request for a jury trial is OVERRULED; and  
22 2. Consistent with the July 2021 Scheduling Order (Doc. No. 19), this case will be conducted  
23 as a jury trial.

24  
25 IT IS SO ORDERED.

26 Dated: November 1, 2022

  
27 SENIOR DISTRICT JUDGE  
28